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June 9, 2014

By Facsimile - 212-805-6737

Honorable George B. Daniels
U. S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *In re Literary Works in Electronic Databases Copyright Litigation*, 1:00-md-1379 – GBD

Dear Judge Daniels:

I represent Reed Elsevier Inc., one of the defendants in the long-running *In re Literary Works in Electronic Databases Copyright Litigation*, which is before Your Honor for a hearing tomorrow on plaintiffs' motion for final approval of a settlement agreement.

I write to provide to the Court a notice of seven tag-along copyright infringement actions that I and three other counsel in *In re Literary Works*, representing Reed Elsevier, Dow Jones & Company Inc., ProQuest LLC, and The McClatchy Company, Inc., successor-in-interest to Knight-Ridder, Inc., filed with the Judicial Panel on Multidistrict Litigation ("JPML") on Friday June 6, 2014. Those seven cases, all filed between May 30 and June 2, 2014 by a single plaintiff, Eric Watkins (not on behalf of a class), assert copyright infringement claims that are essentially the same as those in *In re Literary Works* – that is, claims by an alleged freelance author that his publishing agreements with periodicals did not afford rights to convey the articles to electronic databases such as Lexis, Factiva, and ProQuest. Plaintiff has not yet effectuated service.

Mr. Watkins is a member of the class certified in *In re Literary Works*, and his claims are largely subject to the proposed settlement, from which he did not opt out or object. We expect that the filing with the JPML will have – and intend it to have – no impact whatever on what we hope will be the Court's approval of the settlement agreement that is the subject of tomorrow's hearing, or on the parties' implementation of that settlement. However, transfer and consolidation of these new cases with *In re Literary Works* will be highly convenient for the parties and the Court and will promote the just and efficient conduct of such actions. Among other things, it appears that most of the claims raised are subject to the releases afforded by proposed settlement agreement, and any remaining claims raise the same issues that have been raised in *In re Literary Works*.

No action by this Court is requested (or necessary) now, but we write out of an abundance of caution so that the Court will have prior notice of what we expect will be conditional transfer orders issued in due

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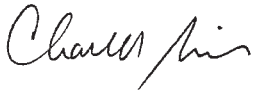
Hon. George B. Daniels

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course by the JPML. So as not to burden the record, we attach the notice and schedule filed with the JPML, but not the underlying complaints.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles S. Sims". The signature is written in a cursive, flowing style.

Charles S. Sims

Enclosure

cc: all counsel by ECF

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**BEFORE THE UNITED STATES JUDICIAL
PANEL ON MULTIDISTRICT LITIGATION**

IN RE LITERARY WORKS IN ELECTRONIC
DATABASES COPYRIGHT LITIGATION

MDL 1379

NOTICE OF POTENTIAL TAG-ALONG ACTIONS

Pursuant to Rule 7.1(a) of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation (the “MDL Panel”), Reed Elsevier, Inc., The McClatchy Company, successor in interest to Knight-Ridder, Inc., Dow Jones & Company, Inc., Pearson PLC, and ProQuest LLC – which are defendants (hereafter “Defendants”) in one or more of the seven cases listed in the attached Schedule (“the Watkins cases”) – hereby notify the Clerk of the MDL Panel that the Watkins cases which are enumerated are tag-alongs to the above-captioned MDL proceeding (“*In re Literary Works*”) assigned to Judge George B. Daniels in the Southern District of New York (the “MDL Court”) by orders of this court dated December 6, 2000 and January 23, 2001. Each of the Defendants is a defendant (or successor to a defendant) in *In re Literary Works* (with the exception of Pearson, which is defendant in one of the seven of the Watkins cases along with *In re Literary Works* defendants Reed Elsevier, Inc. and ProQuest LLC).

The Watkins cases, all brought by allegedly freelance author Eric Watkins, assert copyright infringement claims (based on the licensing of the contents of periodicals to databases such as LexisNexis, ProQuest, and Factiva) virtually identical to those already subject to *In re Literary Works*, which has been before Judge Daniels for more than a decade, and, during that period, before the Second Circuit twice and the United States Supreme Court once (when the defendants prevailed before a unanimous court on a jurisdictional issue, *sub nom. Reed Elsevier*,

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Inc. v. Muchnick, 559 U.S. 154 (2010)). All the Watkins cases involve common questions of fact with *In re Literary Works*, as Watkins alleges nearly identical claims against some of the same defendants as those in *In re Literary Works*. Four of the undersigned counsel represent the same defendants in *In re Literary Works* as those represented here. The transfer of the Watkins cases to MDL No. 1379 for coordinated or consolidated pretrial proceedings will promote the just and efficient conduct of those proceedings.

A Schedule of the seven Watkins cases, and docket sheets and complaints, are attached.

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Respectfully submitted,

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June 6, 2014
New York, NY

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**BEFORE THE UNITED STATES JUDICIAL
PANEL ON MULTIDISTRICT LITIGATION**

IN RE LITERARY WORKS IN ELECTRONIC
DATABASES COPYRIGHT LITIGATION

MDL 1379

SCHEDULE OF ACTIONS

	Plaintiff	Defendant(s)	Court	Civil Action Number	Judge
1	Eric Watkins	Dow Jones & Company, Inc., Stephens Media, LLC & ProQuest, LLC	C.D. California, (Western Division –Los Angeles)	2:14-cv-04211	Judge Stephen V. Wilson
2	Eric Watkins	The McClatchy Company, ProQuest, LLC & Reed Elsevier, Inc.	C.D. California, (Western Division –Los Angeles)	2:14-cv-04212	Judge Beverly Reid O’Connell
3	Eric Watkins	Reed Elsevier, Inc.	C.D. California, (Western Division –Los Angeles)	2:14-cv-04219	Judge Dean D. Pregerson
4	Eric Watkins	PennWell Corporation, ProQuest, LLC, Dow Jones & Company, Inc. & Reed Elsevier, Inc.	C.D. California, (Western Division –Los Angeles)	2:14-cv-04227	Judge S. James Otero
5	Eric Watkins	The Associated Press, Dow Jones & Company,	C.D. California,	2:14-cv-04230	Magistrate Judge Suzanne

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		Inc. & Reed Elsevier, Inc.	(Western Division –Los Angeles)		H. Segal
6	Eric Watkins	ProQuest, LLC	C.D. California, (Western Division –Los Angeles)	2:14-cv-04236	Chief Judge George H. King
7	Eric Watkins	Pearson PLC, ProQuest, LLC & Reed Elsevier, Inc.	C.D. California, (Western Division –Los Angeles)	2:14-cv-04240	Magistrate Judge Ralph Zarefsky

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Respectfully submitted,

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June 6, 2014
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